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The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**UNOPPOSED MOTION TO FILE
DOCUMENTS UNDER SEAL**

**NOTE ON MOTION CALENDAR:
February 26, 2014**

In accordance with LCR 5(g), Ford Motor Company (“Ford”) respectfully moves the Court for an order authorizing Ford to file under seal Exhibits 1-3, 5-7, and 13 to the Declaration of Alexandra Amrhein (“Amrhein Declaration”) submitted in support of Ford’s Rule 37 Motion to Strike Plaintiffs’ Undisclosed “Virtual Memory” Infringement Theory. Ford has conferred with counsel for the Plaintiffs, who have indicated they do not oppose the order requested herein.

The material sought to be sealed is listed below.

- Amrhein Declaration Exhibit 1: Excerpt from the Deposition of Dan Alan Preston, Vol. II, dated December 20, 2013;

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- Amrhein Declaration Exhibit 2: Excerpt from the Deposition of Brian Hewitt, dated November 19, 2013;
- Amrhein Declaration Exhibit 3: Exhibit E of Plaintiffs' February 2, 2012 Infringement Contentions;
- Amrhein Declaration Exhibit 5: Exhibit A of Plaintiffs' November 20, 2013 Amended Infringement Contentions;
- Amrhein Declaration Exhibit 6: Exhibit J of Plaintiffs' November 20, 2013 Amended Infringement Contentions;
- Amrhein Declaration Exhibit 7: Opening Report of Paul S. Min, Ph.D. Regarding Infringement of U.S. Patent Nos. 7,146,260, 7,778,739, 7,793,136, 8,006,117, 8,006,118, 8,006,119, 8,020,028, and 8,027,268, dated February 10, 2014;
- Amrhein Declaration Exhibit 13: "Windows CE Features in Microsoft Auto" (Ford-EHH-CD00001_01115-Ford-EHH-CD00001_01124).

14 Ford submits the above information in support of Ford's Rule 37 Motion to Strike
15 Plaintiffs' Undisclosed "Virtual Memory" Infringement Theory. Plaintiffs have designated the
16 transcripts of Dan Alan Preston and Brian Hewitt (Amrhein Exhibits 1-2) as "Confidential."
17 Plaintiffs' Infringement Contentions (Amrhein Exhibits 3, 5-6), Dr. Min's report (Amrhein
18 Exhibit 7), and "Windows CE Features in Microsoft Auto" (Amrhein Exhibit 13), cite,
19 paraphrase, or quote directly from documents containing sensitive, technical, and proprietary
20 information of Ford and/or third parties. The documents provided as exhibits to Plaintiffs'
21 Infringement Contentions describe the technical operation of current Ford systems and contain
22 information that is not publicly available and that Ford protects from public disclosure. These
23 documents have been designated as HIGHLY CONFIDENTIAL - ATTORNEYS' EYES
24 ONLY with the expectation that these documents would be treated accordingly under the
25 Confidentiality Agreements executed with the parties and/or Local Patent Rule 111. The
26 Parties have stipulated that the sensitive material contained in documents so designated merits
27 filing under seal.

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1 LCR 5(g)(2) provides that, notwithstanding the presumption of public access to
 2 documents filed in a civil proceeding, this presumption may be overcome in nondispositive
 3 motions “by a showing of good cause under Rule 26(c).” The confidential and sensitive nature
 4 of the material discussed in these documents is good cause to keep them under seal. *See EEOC*
 5 *v. Fry’s Elecs., Inc.*, No C10-1562RSL, 2012 WL 1642305, at *5 (W.D. Wash. May 10, 2012)
 6 (finding good cause for sealing personnel records of third parties); *Boucher v. First Am. Title*
 7 *Ins. Co.*, No. C10-199RAJ, 2011 WL 5299497, at *5 (W.D. Wash. Nov. 4, 2011) (finding good
 8 cause and granting motion to seal a party’s competitively sensitive licenses with a third party;
 9 noting that redactions were limited to very specific portions of documents). Ford respectfully
 10 requests that Exhibits 1-3, 5-7, and 13 to the Amrhein Declaration be filed under seal.

11
 12 DATED: February 26, 2014

13 **SAVITT BRUCE & WILLEY LLP**

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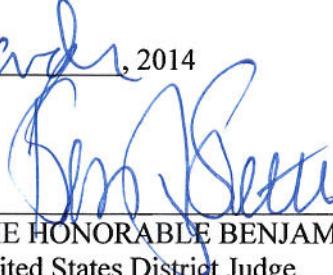
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19 Attorneys for Defendant Ford Motor Company

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1 IT IS SO ORDERED.
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3 Dated this 3 day of March, 2014
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6 THE HONORABLE BENJAMIN H. SETTLE
7 United States District Judge
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UNOPPOSED MOTION
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